

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 922 of 1986

with

SPECIAL CIVIL APPLICATION No 1902 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K.K. BAROT & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance: (In both Special Civil Applications)

MR SM MAZGAONKAR for Petitioners

MR LR PUJARI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/02/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. Both these petitions were ordered to be heard

together by this Court and as such the same are being taken up for hearing together and are being disposed of by this common order.

3. In both these Special Civil Applications, the petitioners are the employees of the Agriculture Department of the Government of Gujarat and they are holding the posts of Agricultural Supervisors (now designated as Field Supervisors). In both the matters, the prayer made by the petitioners is that the order of reversion passed of Agricultural Supervisors be quashed and set aside.

4. From the facts of the case it appears that the petitioners were ordered to be reverted from the post of Agricultural Supervisors on the ground that they have failed to pass the Departmental examination as per the relevant rules. The petitioners were protected by this Court as interim relief has been granted in their favour. So all the petitioners, in view of the interim relief granted by this Court, would have been continuing on the higher post. From the facts of the case it further transpires that most of the petitioners would have retired from the services. The petitioners have also raised a question of laying down the seniority of Agricultural Assistants, in this Special Civil Application. The matter regarding determination of seniority of this class of persons has come before this Court and a reference in this respect may have to the Special Civil Application No.247 of 1983 which has been decided a few days back by this Court. In that petition, this Court has given directions to the State Government to constitute a high powered committee to decide on the question of seniority of this class of persons. In the present case, there is a question of reversion and this Court has protected the petitioners for all these years. Now many of them have also retired and as such, I consider it to be appropriate that the committee which has to be constituted by the State Government in pursuance of the directions of this Court given in Special Civil Application No.247 of 1983, may also consider and decide the case of these petitioners. Till the matter is decided by the said committee, interim relief which has been granted by this Court shall continue. A copy of this order may be sent to the Chief Secretary of the State of Gujarat forthwith. Both these Special Civil Applications and Rule therein stand disposed of in aforesaid terms with no order as to costs.

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(sunil)